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Reply under 37 CFR 1.116

Expedited Procedure

Technology Center 1624

Attorney Docket No. CV06025US01

REMARKS

Applicants are pleased to note that claim 19 has been indicated as allowable if rewritten in independent form and sincerely appreciate the suggestions to facilitate allowance of the application.

Claims 1-23 are pending in this application. Claims 10 and 11 have been withdrawn by the Examiner as being drawn to a non-elected invention. Claims 1, 4 and 22 have been amended, without prejudice. The amendment to claim 1 is supported by original claim 1 and in the specification at page 27, lines 3-13. No new matter has been added to the application by any of the foregoing amendments.

Rejections Under 35 USC § 112

At page 3 of the Office Action, claims 1-5, 7-9, 12-18 and 20-23 have been rejected under 35 USC § 112, paragraph 1 for lack of written description, alleging that the specification does not support substituted dioxolanyl. Applicants respectfully traverse and request reconsideration and withdrawal of this rejection. Support for substituted dioxolanyl is set forth at page 24, lines 4-17 of the specification. More specifically, dioxolanyl is listed as an example of a heterocyclyl moiety at line 16. At lines 11-13, it is noted that the heterocyclyl can be optionally substituted by one or more "ring system substituents", which may be the same or different. Ring system substituents are listed at page 24, line 26 – page 25, line 5. These ring system substituents are as listed in claim 1.

At page 3 of the Office Action, claims 1-9, 12-18 and 20-23 have been rejected under 35 USC § 112, paragraphs 1 and 2, for lack of written description and lack of enablement for trialkylammonium alkyl radical. Applicants respectfully traverse and request reconsideration and withdrawal of this rejection. Claim 1 has been amended to clarify that this is the trialkylammonium alkyl salt. Applicants wish to point out that claim 1 includes pharmaceutically acceptable salts of the compound of Formula (I). Please see page 27, lines 3-13 for a discussion of suitable acids for salt formation and description of formation of the salts. In view of the claim language and disclosure in the specification, one skilled in the art can

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readily ascertain the meaning of trialkylammonium alkyl salt. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

At pages 6-12 of the Office Action, claim 22 has been rejected under 35 USC § 112, first paragraph, for lack of written description or enablement as to the treatment of the disorders listed. Applicants respectfully traverse and request reconsideration and withdrawal of this rejection. While Applicants respectfully disagree with the rejection, to expedite examination of the application Applicants have amended claim 22 to delete treatment of diabetes mellitus, obesity, stroke, demyelination, Alzheimer's disease or regulating a level of an amyloid β peptide, without prejudice to the filing of one or more divisional applications directed to the canceled subject matter. This amendment was not made for any prior art reasons. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

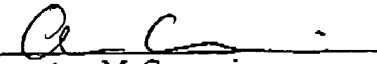
In view of the remarks above, reconsideration and withdrawal of the rejections, and favorable allowance of all claims is respectfully requested. Should the Examiner have any questions or wish to discuss this matter further, he is invited to contact Applicants' representative at 412-471-8815.

Respectfully submitted,

THE WEBB LAW FIRM

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By


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